IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 24162 of 2004

Between:

B. Samaiah, S/o. Venkata Ramaiah,
Aged 59 years, R/o. Iskala Village,

Pamulapadu Mandal, Kurnool District.

..... PETITIONER

AND

1. The Commissioner for Cooperation and Registrar of Coop.

Societies Government of A.P.,Hyderabad.
2. The District Cooperative Officer, Kurnool District at Kurnool.
3. The District Cooperative Central Bank Ltd. Kurnool rep by its

General Manager
4. The Atmakur PACS Atmakur Mandal, Kurnool District,
Rep by its Chairman/PIC .

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 3rd respondent in not paying the amount due to the petitioner towards provident fund even after retirement on 30-6-2003 and thereby violating the circular directions issued by the 1st respondent as highly illegal, arbitrary and violative of Art.14 of the Constitution of India and consequently direct the respondents 1 and 2 to take action against the 3rd

respondent for not paying P.F. amount due to the petitioner violating the circular directions issued by the 1st respondent as per the provisions of A.P.C.S.Act and further direct the 3rd respondent to pay the P.F. amount along with the interest from the date of retirement of the petitioner i.e.
30-6-2003.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 & 2: GP FOR COOPERATION

Counsel for the Respondent No.3: SMT.K.SESHARAJYAM

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking a mandamus to declare the action of the respondents in not paying the provident fund amount to the petitioner even after his retirement, as illegal and arbitrary.

The third respondent filed a detailed counter-affidavit.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation appearing for respondents 1 and 2.

The petitioner submitted a representation before the third respondent for release of the provident fund amount. Whether the petitioner is entitled to the provident fund amount or not, appropriate decision has to be taken by the third respondent in accordance with the rules of the A.P. Cooperative Societies Act.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the third respondent to take appropriate decision on the representation dated 16-12-2004, submitted by the petitioner, in accordance with the rules of the A.P. Cooperative Societies Act, within a period of two months from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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09-03-2005.

Lrkm.

To

1. The Commissioner for Cooperation and Registrar of Coop.

Societies Government of A.P.,Hyderabad.
2. The District Cooperative Officer, Kurnool District at Kurnool.
3. The General Manager,

District Cooperative Central Bank Ltd. Kurnool.
4. The Chairman/PIC,

Atmakur PACS Atmakur Mandal, Kurnool District,
5. 2 CCs to the Government Pleader for Cooperation, High Court

Buildings, High court of A.P., Hyderabad (O.U.T).

6. 2 CD copies.